



UNITED STATES PATENT AND TRADEMARK OFFICE

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 6

HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK, NEW YORK 10004-1482

COPY MAILED

NOV 05 2001

In re Application of :
Laura Lee Kusumoto et al :
Application No. 09/675,958 :
Filed: September 29, 2000 :
Attorney Docket No. 13376.0001 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 21, 2001, to accept an unintentionally delayed claim under 35 USC 119(e) for the benefit of a prior filed provisional application.

The petition is **DISMISSED** as moot.

The instant application was filed on September 29, 2000. A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. See 65 F.R. 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,240 surcharge fee received on September 21, 2001, is unnecessary. Accordingly, petitioner may request, in writing, a refund of the \$1,240 surcharge fee submitted. The request should be directed to the Office of Finance, Refund Section, and should be accompanied by a copy of this decision.

Any inquiries concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

This application is being forwarded to Technology Center AU 2161 for processing of the amendment filed September 21, 2001, requesting the benefit of priority to provisional Application No. 60/204,179 and for examination in due course.


Frances Hicks

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy